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Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

JUL - 9 2003

FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

In the Matter of)	EB Docket No. 03-96
)	
NOS Communications, Inc.,)	File No. EB-02-TC-119
Affinity Network Incorporated and)	
NOSVA Limited Partnership)	NAL/Acct. No. 20033217003
)	
Order to Show Cause and Notice)	FRN: 0004942538
of Opportunity for Hearing)	

To: Honorable Arthur I. Steinberg
 Administrative Law Judge

JOINT MOTION FOR EXTENSION OF TIME
TO RESPOND TO FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

NOS Communications, Inc. ("NOS"), Affinity Network Incorporated ("Affinity") and NOSVA Limited Partnership ("NOSVA" and collectively with NOS and Affinity, the "Movants") by their attorneys and pursuant to Commission's Rules, 47 C.F.R. § 1.46, move for an extension of time to respond to the Enforcement Bureau's ("Bureau's") July 3, 2003 "First Request for Production of Documents" ("Production Request"). Movants respectfully request an extension until July 29, 2003. FCC staff has consented to this request. In support, the following is shown:

On July 3, 2003, the Bureau served one set of Production Requests to each of NOS, ANI and NOSVA. The substance of each of the Production Requests is the same. Each of the three Production Requests includes 41 separate document requests, many of which are very broad. For the reasons stated below, in order to be afforded an opportunity to review and produce the documents requested, or to object as appropriate, Movants request additional time to respond.

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Each of the Movants has limited resources and the Movants are simply not able to respond to such broad requests within ten days.¹ Specifically, the requested production requires a review of thousands of documents, some of which are not readily available, thus a full response is simply not possible in such a short time. Furthermore, the documents must be reviewed for both responsiveness and privilege, which cannot be completed within the ten day period allotted under the Commission's rules.

The Production Request comes shortly after the Enforcement Bureau's May 27, 2003 "Request for Admissions of Facts and Genuineness of Documents" ("Admissions Request") which includes 645 separate admission requests. The Admissions Request is due on July 11, 2003 and has the required Companies' full attention. It is not feasible for the Movants to simultaneously prepare both the Admissions Request and the Production Request, which would be due one business day later. This is particularly so when the Production Request was issued by July 3rd, the day before a three-day holiday weekend, and many key employees had long-standing plans, thus they have not been available to assist counsel in a response.

Movants note that a case of this size and complexity requires more time to respond than provided for in the Commission's rules. The instant Show Cause proceeding is analogous to the type of proceeding found in a federal court proceeding. Participants in such federal proceedings are generally granted 30 days to respond to production requests, although courts are given the authority to allow shorter or longer periods.² Extensions of the 30 day requirement are routine.

Movants respectfully submit that because of the nature of this proceeding, an extended *time frame* should be utilized in the instant situation. As detailed above, the *date requested by*

¹ See 47 C.F.R. § 1.325(a)(2).

² See FED. R. CIV. P. 34(b) which provides, in part, "[t]he party upon whom the request is served shall serve a written response within 30 days after the service of the request. A shorter or longer time may be directed by the court, or in the absence of such an order, agreed to in writing by the parties."

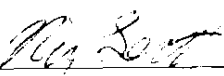
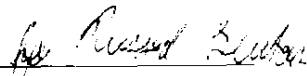
the Movants and consented to by Commission staff is July 29, 2003. Movants' will make every effort to remain within the Judge's scheduled discovery timeframe and complete discovery by September 26, 2003 and do not foresee this extension request interfering with that date whatsoever.

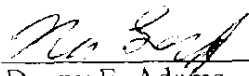
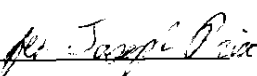
For the foregoing reasons, Movants should be granted an extension of time, as described herein, to respond to the Production Request.

Respectfully submitted,

Counsel for

NOS Communications, Inc.
Affinity Network, Inc.
NOSVA Limited Partnership

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July 9, 2003

* Licensed in the District of Columbia.

CERTIFICATE OF SERVICE

I, Lori Williams, do hereby certify that on this 9th day of July, 2003, a copy of the foregoing "Motion for Extension of Time to Respond to First Request for Production of Documents" was hand delivered (except where noted) to the parties listed below.

Honorable Arthur I. Steinberg
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(Also by facsimile (202) 418-0195)

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A handwritten signature in cursive script, appearing to read "Lori Williams", written over a horizontal line.

Lori Williams